

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

UNITED STATES OF AMERICA,

v.

CRIMINAL ACTION NO. 2:18-cr-00295

JOHN DELANEY WILSON,

MEMORANDUM OPINION AND ORDER

Pending before the court are the Government and Defendant John Delaney Wilson's Motions to Seal. [ECF Nos. 42, 43]. On July 2, 2020, Defendant Wilson filed a Motion for Compassionate Release. [ECF No. 38]. The Government moves to seal the United States Response to Defendant's Motion for Compassionate Release and the exhibits attached thereto because the response and exhibits contain sensitive information including medical information. Defendant respectfully requests leave of Court to file its memorandum and exhibits under seal because the memorandum and exhibits contains personal medical records, protected health information, and sensitive personal information which cannot be meaningfully redacted.

Local Rule 26(4)(c) provides that in general, court documents must be public. The Rule specifies that a party petitioning the court to seal exhibits must offer an accompanying memorandum describing,

- (a) the reasons why sealing is necessary, including the reasons why alternatives to sealing, such as redaction, are inadequate;
- (b) the requested duration of the proposed seal; and

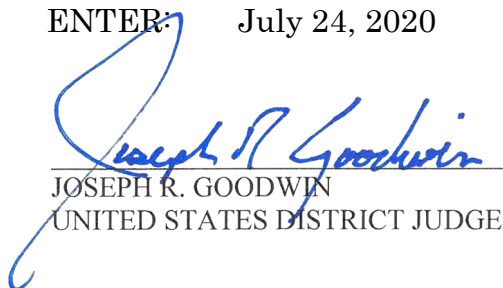
- (c) a discussion of the propriety of sealing, giving due regard to the parameters of the common law and First Amendment rights of access as interpreted by the Supreme Court and our Court of Appeals.

S.D. W. Va. L. R. 26.4(c). The public has a presumptive right to access to judicial documents at common law and under the First Amendment. *United States v. Moussaoui*, 65 F. App'x 881, 885 (4th Cir. 2003). "The value of openness in judicial proceedings can hardly be overestimated." *Id.*

If the Government or Defendant Wilson intend for me to rely on certain medical information contained in their memoranda and exhibits in my ruling, then the public has a right to review that material. I find that the public right to access, in this case, is not outweighed by Defendant's privacy interest. Accordingly, I **GRANT** the Government and Defendant's Motions to Seal, [ECF Nos. 42, 43], but **DIRECT** Defendant and the Government to file an unsealed copy of the portions of their memoranda and exhibits that they deems relevant and rely upon to support their positions regarding Defendant Wilson's Motion for Compassionate Release, [ECF No. 38]. I further **DIRECT** Defendant and Government to redact any irrelevant, sensitive, or personally identifying information contained in the portions to be filed on the public record.

The court **DIRECTS** the Clerk to send a copy of this Order to the defendant and counsel, the United States Attorney, the United States Probation Office, and the United States Marshal.

ENTER: July 24, 2020


JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE